



PUBLIC NOTICE

Federal Communications Commission
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Released: August 29, 2008

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF FIBERLINK LLC D/B/A COLUMBIA FIBER SOLUTIONS FROM
COLUMBIA VENTURES CORPORATION TO ZAYO GROUP, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-174

Comments Due: September 12, 2008

Reply Comments Due: September 19, 2008

On August 25, 2008, Columbia Ventures Corporation (CVC), FiberLink LLC d/b/a Columbia Fiber Solutions (CFS), and Zayo Group, LLC (Zayo) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules requesting approval for the transfer of control of CFS to Zayo.¹ CFS, a Washington limited liability company, is wholly owned by CVC, a Washington corporation wholly owned by Kenneth D. Peterson, Jr., a U.S. citizen. CFS provides competitive fiber-optic network services in eastern Washington and northern Idaho. Zayo, a Delaware corporation, is wholly owned by Communications Infrastructure Investments, LLC, also a Delaware limited liability company.² The following U.S.-based entities hold, directly or indirectly, a ten percent or greater interest in CII: Oak Investment Partners XII, Limited Partnership; Oak Associates XII, LLC³; M/C Venture Partners VI, L.P.; M/C VP VI, LP; M/C Venture Partners, LLC⁴; Columbia Capital Equity Partners IV (QP), L.P.; Columbia Capital IV, LLC⁵; Battery Ventures VII, LP; and Battery Partners VII, LLC.⁶

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214.

² Zayo does not provide telecommunications services, but states that it controls several fiber-based telecommunications entities that provide competitive service in multiple states: Zayo Bandwidth Tennessee, LLC; Zayo Bandwidth Northeast, LLC; Zayo Bandwidth Northeast Sub, LLC; Zayo Bandwidth Indiana, LLC; Onvoy, Inc.; Minnesota Independent Equal Access Corporation; Zayo Bandwidth Central, LLC; Zayo Bandwidth Central (Virginia), LLC; and Zayo Bandwidth Northwest, Inc.

³ The following U.S. citizens are the executive managing members of Oak Associates, LLC: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, and Frederic W. Harman.

⁴ The following U.S. citizens are the managing members of M/C Venture Partners, LLC: James F. Wade, David D. Croll, Matthew J. Rubins, John W. Watkins, and John Van Hooser.

⁵ The following U.S. citizens are the managing members of Columbia Capital IV, LLC: James B. Fleming, Jr., R. Philip Herget, III, and Harry F. Hopper III.

⁶ The following U.S. citizens are the managing members of Battery Partners VII, LLC: Tom Crotty (Executive Managing Member), Rick Frisbie, Ken Lawler, Morgan Jones, Scott Tobin, Dave Tabors, Mark Sherman, and Roger Lee.

Applicants state that the M/C Venture entities have interests in other telecommunications carriers that provide competitive telecommunications services in multiple states.⁷ Pursuant to the terms of the proposed transaction, Zayo will acquire from CVC all of its membership interests in CFS. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁸

Application Filed for the Transfer of Control of FiberLink LLC d/b/a Columbia Fiber Solutions from Columbia Ventures Corporation to Zayo Group, LLC, WC Docket No. 08-174 (filed Aug. 25, 2008).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before September 12, 2008**, and reply comments **on or before September 19, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁹ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;

⁷ The identities and service areas of these affiliates are listed on pages 13-15 of the Application.

⁸ 47 C.F.R. § 63.03(b)(2)(i).

⁹ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Jodie May at 202 / 418-0913.

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